

Application Serial No. 10/803,914
Reply to Office Action dated July 10, 2007

REMARKS/ARGUMENTS

The Examiner is specifically thanked for the courtesies extended during the interview of August 8, 2007. During the interview, claims 1, 4, 7 and 8 were discussed, along with the prior art references of Schweller and Richardson. Applicant's representative requested clarification regarding the Examiner's rejection in the Office Action dated July 10, 2007. The Examiner indicated that the rejection of claims 1 and 4 was based on a reading of those claims on Figure 5 of the subject application. The Examiner further contended that the Schweller reference showed a rack in Figure 1 similar to that of Figure 5 of the subject application. Claims 7 and 8, on the other hand, were deemed to be different and not anticipated or rendered obvious by the prior art.

Claims 1, 2, 4-6, 9-15 and 17-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schweller (U.S. Patent No. 2,169,904) in view of Richardson (U.S. Patent No. 1,013,313). This rejection is respectfully traversed.

By the present amendment, claims 1 and 18 have been amended to clarify that they do not read on the embodiment of Figure 5 in the subject application but rather read on the other embodiments such as those shown in Figures 2, 3, 4 and 6. Specifically, each of claims 1 and 18 requires a frame portion including front, rear and opposing side rods, with the front rod including first and second down turned segments that are joined by a vertically offset portion. With reference to Figure 3 for example, frame portion 142 is defined by front, rear and opposing side rods 144-147. Note the use of first and second down turned segments 168 and 169 joined by vertically offset portion 174. See page 9, lines 4-21 of the specification. Additionally, claims 1 and 18 recite a support platform including a first plurality of spaced support members and a second plurality of spaced support members. Reference numeral 188 refers to the first plurality of support members while reference numeral 190 shows the second plurality of space support members. The claim further recites that the second plurality of spaced support members extending through a bend portion that is spaced from the front rod. Note particularly, that bend

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portion 194 is spaced from front rod 144 and that the second plurality of space support members 190 extend through bend portion 194.

Such claim recitations are in stark contrast to the Schweller reference relied upon by the Examiner. With reference to the enlarged segment of Figure 1 of Schweller in the Office Action, Schweller does indeed provide a first plurality of spaced support members and a second plurality of spaced support members in a vertically offset portion. However, the second plurality of spaced support members do not extend through a bend portion that is spaced from said front rod. Furthermore, the Richardson reference appears to be presented only as a suggestion that refrigerator racks can be used as oven racks and has no bearing on the issue of the second plurality of spaced support members extending through a bend portion that is spaced from said front rod.

Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schweller in view of Richardson in further view of Bartley (U.S. Patent No. 6,644,302). The Applicant respectfully submits that claim 16, as with all the other dependent claims, should be allowable by virtue of dependency.

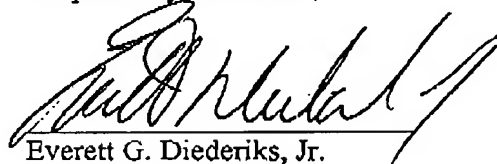
The Applicant also respectfully submits that none of the prior art, when taken singly or in combination, teaches many of the more specific limitations presented in the dependent claims. For example, claim 5 requires that the second plurality of support members include an offset portion that leads from the bend portion to the vertically offset portion. Claim 6 requires that the offset portion of each of the second plurality of support members extends in a plane which is vertically below the common plane. Claims 9 and 20 require that the front rod also includes first and second frontal segments arranged laterally outwardly of the vertical offset portion. These features are simply not taught or suggested in the known prior art.

Based on the above remarks and the amendments to the claims, it is respectfully submitted that the present invention is clearly patentably defined over the prior art of

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record such that allowance of all claims and passage of the application to issue are respectfully requested. If the Examiner should have any additional questions or concerns regarding this matter, he is cordial invited to contact the undersigned at the number provided below to expedite the prosecution.

Respectfully submitted,



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